S.B.CRIMINAL MISC. BAIL APPLICATION NO.5204/2006

Date : 28.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that in the year 1973 the land in question was purchased under an agreement after making payment to the actual allottee of the land in question and thereafter the amount due against the land was also deposited by the actual allottee and subsequently a sum of Rs.13 lac was also paid. He submits that a false complaint has been lodged against the applicants.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

It appears that in relation to the allegation made against the accused applicant, cross FIR has also been lodged, but so far as the applicants are concerned, the documents show that they are bonafide purchaser and parted with the huge amount, therefore, in my opinion, it is a case where the applicants should be given benefit of anticipatory bail.

Taking into consideration overall facts and circumstances of the present case, I think it just and proper to grant anticipatory bail to the applicants. Accordingly, it is directed that in the event of arrest of applicants(1) Nirmla w/o Vindo and (2) Vinod Kumar s/o Bala Ram by I.O./S.H.O.in FIR No.212/2006 P.S. Sri Vijaynagar, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

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